

PATRICK R. DELAHUNTY (SBN 257439)
pdelahunty@delawllp.com
WILLIAM J. EDELMAN (SBN 285177)
wedelman@delawllp.com
DELAHUNTY & EDELMAN LLP
4 Embarcadero Center, Suite 1400
San Francisco, CA 94111
Telephone: 415-891-6210
Facsimile: 415-891-6256

*Attorneys for Defendant
Joseph Huffaker*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH HUFFAKER,

Defendant.

Case No: 3:21-CR-00374-MMC

**STIPULATION AND ~~PROPOSED~~
ORDER VACATING MOTION
DEADLINES AND CONVERTING
MOTION TO STATUS DATE**

Defendant, Joseph Huffaker (“Huffaker”), through his counsel William J. Edelman, and the government, through Assistant U.S. Attorney Abraham Fine, stipulate and agree that the pending reply brief deadline for Huffaker’s motion to suppress (ECF No. 206) should be vacated and the currently-scheduled hearing date on the motion to suppress should be vacated and converted to a status hearing at the Court’s preference and convenience.

1. This case is currently scheduled for trial in September 2024 (ECF No. 197). The current schedule resulted from the unanticipated passing away of prior defense counsel and the appearance of undersigned defense counsel as replacement counsel in October 2023. (ECF No. 184.)

2. In connection with the current pretrial schedule, Defendant Huffaker filed a motion to suppress certain pretrial identifications. (ECF No. 206). The government filed its opposition brief. (ECF No. 217.) Defendant Huffaker's reply brief is currently due May 20, 2024. (ECF No. 197.)

3. Undersigned defense counsel has encountered personal and health problems that prevent counsel from continuing to represent clients at this time. This issue is not specific to this case. Rather, counsel is withdrawing from (and identifying replacement counsel in) every criminal case in which counsel has appeared. Undersigned counsel is not preparing substantive filings in any pending cases. Counsel notified the government earlier this week of counsel's intention to withdraw.

4. Undersigned defense counsel has been in contact this week with potential replacement counsel, which is a process involving some administrative delays due to details of coverage for peace officers charged with crimes arising from alleged on-duty conduct. Undersigned counsel intends that replacement counsel will file an appearance as soon as possible, which will permit undersigned counsel to file a withdrawal motion.

5. In the interim, however, given defense counsel's personal and health challenges and defense counsel's universal withdrawal from criminal matters, the parties stipulate that the deadline to file a reply brief should be vacated, the motion hearing date should be vacated, and the Court should convert the motion hearing to a status hearing to address identification of counsel and further trial deadlines.

6. Undersigned defense counsel expects that new counsel – who has not yet been identified – will be located and file a notice of appearance in advance of that hearing date to facilitate further discussions.

IT IS SO STIPULATED.

DATED: May 17, 2024

By: /s/ William J. Edelman

WILLIAM J. EDELMAN

Attorney for Defendant Joseph Huffaker

1
2 DATED: May 17, 2024

By: /s/ Abraham Fine

3 ABRAHAM FINE
4 Assistant U.S. Attorney

5 FILER'S ATTESTATION

6 The undersigned filer attests that, pursuant to Civil L.R. 5-1(i)(3), concurrence in the
7 filing of the document has been obtained from the other signatories to this document.

8 By: /s/ William J. Edelman
9 WILLIAM J. EDELMAN

10
11 ~~[PROPOSED]~~ ORDER

12 This matter having come before the Court upon the stipulation of the parties and the
13 Court being advised:

- 14 1. Defendant Huffaker's deadline to file a pre-trial reply brief is VACATED;
15 2. The currently-scheduled June 5, 2024, 2:15 p.m. motion hearing date is
16 CONVERTED to a status conference;

17
18 DATED: May 17, 2024

By: Maxine M. Chesney
19 HON. MAXINE M. CHESNEY
20 United States District Judge